101-04290/

DRAFT - FOR PUBLIC CONSULTATION

Nova Scotia
Fish Processors and Fish Buyers License Policy

Made pursuant to subsection 77(1) of the
Fisheries and Coastal Resources Act, S.N.S. 1996 c. 25, as amended

Rationale

In 1994, the Nova Scotia Department of Fisheries, with the approval of the Executive Council, implemented a policy in respect of the licensing of fish processors and fish buyers. Periodic reviews, along with industry consultations, have contributed to the contents of this updated policy.

The following factors are significant to the development and implementation of this document:

- The Fisheries Resource Conservation Council's 2000/2001 report to the Minister of Fisheries and Oceans on stocks important to Nova Scotia continues to caution the industry on the overall recovery of the groundfish resource.
- There is a recognized need to further enhance the licensing capability of the Department, particularly as it relates to matters of enforcement and administrative penalties.
- This policy will continue to blend opportunities in coastal communities with resource availability, and promote job creation with specific initiatives and capacity limitations.

Objectives

To promote and strengthen partnerships between government and industry

To increase utilization of existing processing capacity

To promote new species and product development

To promote employment in coastal communities

To eliminate illegal and unscrupulous buying activities

To exclude non-repayable contributions by government to existing and new processing facilities for capital construction and equipment

To encourage and support further processing and handling of round fish and live shellfish

To reduce or eliminate redundant buying and processing capacity

To ensure that all processing activities meet food production standards

To promote the health and safety of seafood consumers

To provide an equitable environment in which to conduct buying and processing activities

To enable the Department to gather timely and relevant information from the industry which will be used to provide direction for enforcement and compliance initiatives

To encourage long term commitment and investment in the Province of Nova Scotia

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Licenses

General

- The Minister may issue Fish Processors and Fish Buyers Licenses pursuant to Section 73 of the *Fisheries and Coastal Resources Act* and Regulations.

- The Province recognizes the ongoing negotiation process of fishing agreements by First Nations and the federal government. All matters related to fish processing and fish buying which evolve from this process will be given careful consideration.

- The Minister may terminate, amend or suspend a license pursuant to Section 76 of the Act and Regulations.

- The Minister may appoint a Registrar and may issue general directions to the Registrar for the issuance, amendment, renewal, suspension, termination and conditions of a license.

- Licenses may be subject to terms and conditions prescribed by the Minister or his designate.

- Licenses will be issued with species and process endorsements.

- License fees, as set out in Schedule "A" attached, are payable upon issuance of a license or renewal of an existing license.

- Applicants may be required to submit a business plan which outlines the intended operation including, but not limited to, the following:

  (a) raw material supply
  (b) technical competence
  (c) market potential
  (d) site and intended buying location

- If license renewal payments are not received within thirty days of the expiry date, licenses will be cancelled. In order to be re-instated within the calendar year, license holders will be required to submit applications for licenses. Applications will be subject to administration fees as outlined in **Part A - Application Process** of this document.

- Licenses are not transferrable or assignable.

- Amendments to licenses include a change in the name of license holder and species or process endorsements. Amendments are subject to a fee of $25.00 per transaction, payment of species group fees (where applicable), and such other fees as set out in this policy.

Licenses

Application Process

- Applicants may apply for licenses by mail or in person at our office in Halifax or at Field Representatives' Offices located throughout the Province (see Appendix 1, List of Contacts). Applicants should be prepared to make payment at the time the application is made.

- A $200.00 non-refundable administration fee must accompany each application for a Fish Processor's and Fish Buyer's License.

- Applicants will be advised of the outcome of the application, in writing, within 21 days of the Registrar of Licensing receiving all information relative to the application.

- A person who is aggrieved by the outcome of the application may appeal to the Minister as set out in Part X of the *Fisheries and Coastal Resources Act*.

- An appeal to the Minister shall be accompanied by a non-refundable $200.00 fee.

Licenses

Termination, Amendment or Suspension

- The Minister may take into account, but not be limited to, matters of illegal trade in fish and fish products as outlined in the Regulations, improper record keeping or misrepresentation of landings, or any other failure to comply with Federal and Provincial legislation and regulations when issuing, renewing or amending a license.

- If sufficient evidence is brought to the attention of the Minister indicating unscrupulous behavior by a licensed buyer/processor or applicant, the Minister may:

  (a) refuse to consider the application
  (b) refuse to issue or renew a license
  (c) refuse to vary or amend a license
  (d) terminate the license

- If a license holder or an applicant is under investigation by the Department or the Department of Fisheries and Oceans, all transactions related to the license or the application may be deferred until the matter is resolved.

- Where the Minister has reason to believe that termination, amendment or suspension of a license is justified for failure to comply with the Act or the Regulations, the Minister may require a license holder to show cause, in writing to the Registrar, why their license should not be terminated, amended or suspended.

- In determining the action to be taken with a license holder who has demonstrated unscrupulous behavior, the Registrar may consult with:

  (a) Registry of Joint Stock Companies
  (b) Canada Customs and Revenue Agency
  (c) Canadian Food Inspection Agency
  (d) Department of Fisheries and Oceans
  (e) RCMP
  (f) or any other federal or provincial agency

Fish Buyers Licenses

General

- Buyers Licenses may be issued, or amended, to persons who are approved to process those species as outlined in Schedule B attached.

- Licensed buyers, who do not own and maintain a processing facility, will not be eligible to amend their licenses unless specifically identified in this policy.

- License holders may appoint designated buyers. A designated buyer is an individual person other than a corporation.

Lobster Buyers

- Existing licensed buyers or applicants may apply for a Lobster Buyer's License if they can demonstrate that they are the owners of facilities which are designed to enhance the quality of live lobster. Applicants must comply with the Live Lobster Facility Criteria established by the Department (Schedule C attached). Each application will be reviewed by technical staff prior to final consideration.

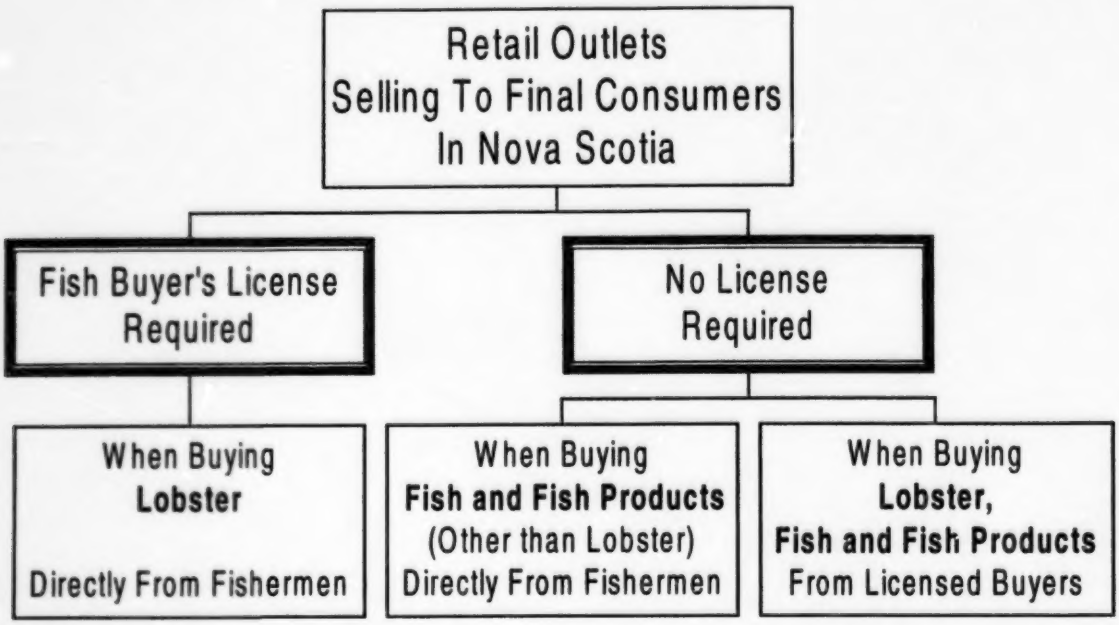
Fish Buyers - Retail Outlets (See diagram, page 5)

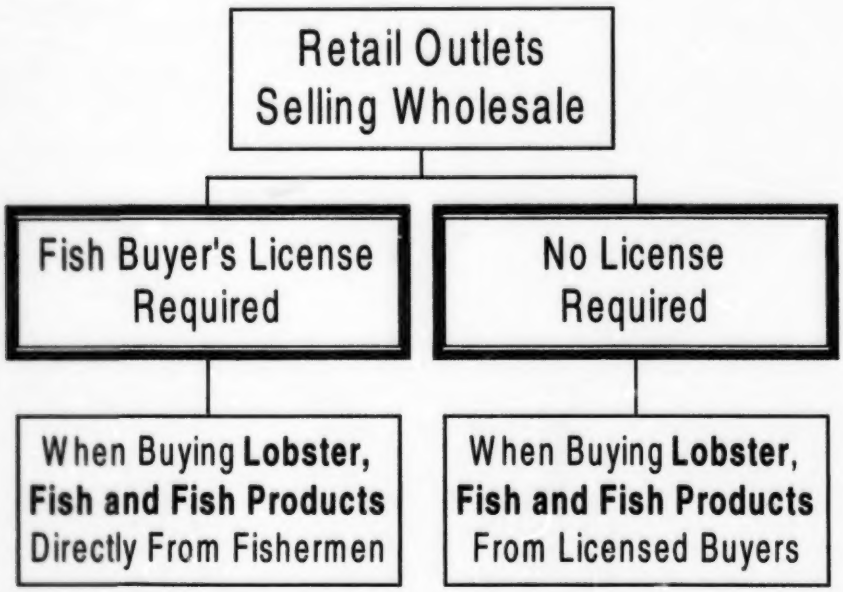
- Pursuant to Section 3 of the *Regulations Respecting Fish Buyers' Licensing and Enforcement,* a Buyer's License is required by a retail outlet:

  (a) when buying lobster directly from a fisher and selling at the retail outlet to final consumers in Nova Scotia
  (b) when buying lobster, fish and fish products from a fisher and selling wholesale

  These licenses will be subject, but not limited, to the following conditions:

  (a) compliance with the requirements of the Quality Evaluation Division of the Nova Scotia Department of Agriculture and Fisheries
  (b) outlets permitted to sell fish and fish products to final consumers only
  (c) required to keep records
  (d) no designated buyers


Retail Outlets
Selling To Final Consumers
In Nova Scotia
Fish Buyer's License Required
No License Required
When Buying **Lobster** Directly From Fishermen
When Buying **Fish and Fish Products** (Other than Lobster) Directly From Fishermen
When Buying **Lobster, Fish and Fish Products** From Licensed Buyers


Retail Outlets
Selling Wholesale
Fish Buyer's License Required
No License Required
When Buying **Lobster, Fish and Fish Products** Directly From Fishermen
When Buying **Lobster, Fish and Fish Products** From Licensed Buyers

Fish Buyers Licenses

Speciality Buyers

- Buyers Licenses or amendments to existing licenses may be issued to persons who buy the following items for the purpose of commercial trade:

  (a) marine animals
  (b) marine plants
  (c) aquaculture seed stock
  (d) bait

  The following transactions will be exempt:

  (a) where a fisher buys bait from a fisher to be used as bait
  (b) where a licensed aquaculturist buys seed stock from a licensed aquaculturist for grow out purposes

- Buyers Licenses may be issued, or existing Buyers Licences may be amended, to include species authorized as a bi-catch to the eligible species applied for on the license.

- Persons who buy fish for non-food use will require a Buyer's License. Non-food use includes, but is not limited to, petfood and pharmaceuticals.

Fish Processors Licenses

General

- Processors Licenses may be issued or amended with species endorsements as outlined in Schedule "B" where applicants can demonstrate a solid commitment to processing product in Nova Scotia.

- Processors licenses may be issued to aquaculturists who have been issued a lease and/or license by the Department and who can demonstrate at least one year commercial activity. Commercial activity means $10,000.00 in farm-gate sales, or a minimum of $100,000.00 in product on-site which is ready for harvest in the immediate future.

- Applications for value-added processing will be considered for all species if it can be demonstrated that further value is added through specialized preparation of a fish product. Facilities that utilize groundfish in their process must obtain the groundfish from existing licensed processing facilities endorsed to process groundfish in Nova Scotia.

- Every active Processor's License issued by the Department must comply, as a condition of the license, with the requirements of the *Fish Inspection Regulations* of the Canadian Food Inspection Agency.

- Voluntary closure is a status reserved for processing facilities that are not in operation, and their certificate of registration with Canadian Food Inspection Agency has been cancelled. Processing plants in voluntary closure must meet the requirements of the *Nova Scotia Fish Inspection Regulations* and are subject to annual inspections by the Department. A fee of $1,000.00 per year will be applied to facilities that are in this category.

- Upon approval by the Registrar, a processing facility, owned by the same person, may be re-located to a more suitable location within the same community, where the license holder can demonstrate non-compliance of municipal, provincial or federal regulations or requirements.

- If a processing facility is sold or leased, the existing licenses will be cancelled and new licenses may be issued to the same facility upon all regulatory requirements being met.

- Licenses for groundfish processing facilities which are not in compliance with the *Fisheries and Coastal Resources Act* or Regulations for a period exceeding 12 months will be permanently cancelled.

License Fees

	FEE
FISH PROCESSORS LICENSE	$200.00

FISH BUYERS LICENSE	FEE PER SPECIES GROUP
(a) Groundfish	$400.00
(b) Pelagic	$100.00
(c) Shellfish	$200.00
(d) Other	$100.00
(e) Aquaculture Products	$100.00

Fees are calculated per species group and
not by the number of individual species within that group.
See Schedule "B" for a list of species within each species group.

ELIGIBLE SPECIES FOR NEW OR EXISTING PROCESSORS LICENSES

Groundfish

Catfish	✗
Cod	✗
Cusk	✗
Flounder	✗
Grenadier	✗
Haddock	✗
Hake (Silver)	✗
Hake (White)	✗
Halibut (Greenland)	✗
Halibut (Atlantic)	✗
Lumpfish	✗
Monkfish	✗
Ocean Perch	✗
Pollock	✗
Skate	✗

Pelagic

Capelin	✔
Herring	✔
Mackerel	✔
Shark (Blue)	✔
Shark (Dogfish)	✔
Shark (Porbeagle)	✔
Shark (Mako)	✔
Swordfish	✔
Tuna	✔
Argentine	✔

Aquaculture Products

Shellfish	✔
Finfish	✔
Marine Finfish	✔

Shellfish

Clams - hard shell (Quahogs)	✔
Clams - hard shell (Stimpson)	✔
Clams - hard shell (Bar)	✔
Clams - soft shell (**depuration only**)	✔
Crab (Northern Stone)	✔
Crab (Jonah)	✔
Crab (Green)	✔
Crab (Red)	✔
Crab (Rock)	✔
Crab (Snow)	✔
Crab (Toad)	✔
Lobster	✔
Mussel	✔
Oyster	✔
Periwinkle	✔
Scallop	✔
Shrimp	✔

Other

Eels	✔
Gaspereau	✔
Hagfish	✔
Jellyfish	✔
Marine Animals	✔
Marine Plants	✔
Sea Cucumber	✔
Sea Urchin	✔
Shad	✔
Smelt	✔
Squid	✔
Whelks	✔
Sturgeon	✔

ELIGIBLE ✔
INELIGIBLE SPECIES ✗

Live Lobster Facility Criteria

Applicants for Fish Buyers Licenses for lobster must own and maintain a lobster holding and handling facility which meets the conditions as set out in this criteria. Current licensed buyers who wish to amend their license for lobster must also meet the criteria.

Approved Holding Facilities

Only a tidal pound or dryland pound will be considered as an approved holding facility under this criteria.

> Tidal Pound means an enclosed shoreline facility that permits natural holding of live lobsters. Water is permitted to enter and leave the structure with the natural rise and fall of the tide. It is recommended that there be a minimum of four feet rise in the tide.
>
> Dryland Pound means an enclosed facility constructed on-shore of plastic, fibreglass, concrete or other approved material which is capable of holding live lobsters in controlled conditions. The intake pipe must be located below the low tide mark.

The minimum capacity of the live lobster holding facility is required to be not less than 12,000 kg. of lobsters held in crates or pens.

Associated Handling Facilities

In order to provide adequate facilities to receive, pack and handle live lobster, each approved holding facility will have available, in the immediate area, a handling facility not less than 13.4 square meters. The following structures within the handling facility should meet the minimum requirements of the Live Lobster Certification Protocol as established by the Canadian Food Inspection Agency:

- Floors
- Drains
- Walls and ceilings
- Toilet and hand washing facilities - must be available in the immediate area

(...continued on Page 11)

Live Lobster Facility Criteria (continued)

Water

A supply of clean sea water must be available for the facility. Applicants who propose to use sea water re-circulation equipment must provide proof of technical knowledge and capabilities of the system prior to approval.

Conditions of a Fish Buyers License for Lobster

All applicable permits, approvals, leases or permissions which may be required under the Fisheries and Coastal Resources Act, the Water Act, the Environmental Protection Act, the Fisheries Act (Canada) or the Navigable Waters Protection Act (Canada) must be in place and remain valid in order to maintain a Fish Buyers License.

A license holder must maintain ownership of the lobster holding facility in order to maintain a Fish Buyers License.

Applicants will not be permitted to share the same facility. Each license holder will own an approved facility that is distinct, has its own water source and is not encumbered by other users.

Approval Process

Each applicant will be subject to the Fish Processor and Fish Buyer License Policy and provide a detailed description of the proposed facility, intended buying locations, any necessary approvals or any other information relative to the application.

List of Contacts

Nova Scotia Government

Department of Agriculture and Fisheries

P.O. Box 2223
Halifax, Nova Scotia
B3J 3C4
General Inquiries: (902) 424-0343

Bank of Montreal Building
7th Floor, 5151 George Street

Fax: (902) 424-4671

Legislation and Compliance Services

Licensing and Investigations Division

Mary Meagher (902) 424-0340

Linda Riles (902) 424-0342

Quality Evaluation Division

Belinda Ewer (902) 424-1173

Heidi Manicom (902) 893-7473

Federal Government

Canadian Food Inspection Agency

Mr. Freeman Libby, Inspection Manager
23 Industry Avenue
P.O. Box 5100
Yarmouth, Nova Scotia
B5A 4R7
Telephone: (902) 742-6499
Fax: (902) 742-2421

Mr. Len Boudreau, Inspection Manager
308 George Street
P.O. Box 758
Sydney, Nova Scotia
B1P 5J7
Telephone: (902) 564-3919
Fax: (902) 564-7260

List of Contacts

Field Representatives (Area Code 902)

Nova Scotia Department of Agriculture & Fisheries

Cecil Rankin
Supervisor, Eastern Region
N.S. School of Fisheries
P.O. Box 700
Pictou, Nova Scotia, B0K 1H0
Telephone: 485-8031or 485-7005
Fax: 485-7065
Physical Address: 91 Beeches Road, Pictou, Nova Scotia
Regions: Cumberland, Colchester, Pictou and Antigonish Counties

John MacInnes
P.O. Box 118
Port Hood
Inverness Co., N.S. B0E 2W0
Telephone: 787-3221
Fax: 787-2080
Physical Address: Dr. John Waters Medical Centre, Reynold's Road, Port Hood (off Main Street)
Regions: Inverness & Victoria Counties

Eugene Samson
P.O. Box 140
Arichat
Richmond Co., N.S. B0E 2L0
Telephone: 226-2787
Fax: 226-1888
Physical Address: Old St. Ann's Hospital, Arichat, Nova Scotia
Regions: Cape Breton & Richmond Counties

Gordon Greencorn
Site 3, RR1, Comp. 15
Head of Jeddore
Halifax Co., N.S. B0J 1P0
Telephone: 889-4210
Fax: 889-4211
Physical Address: Forest Hills Shopping Plaza #7 Highway, Head of Jeddore, NS
Region: Guysborough & Halifax Counties (East)

List of Contacts

Field Representatives (Area Code 902)

Nova Scotia Department of Agriculture & Fisheries

Gerald Mossman
Supervisor, Western Region
P.O. Box 2500
Bridgewater, N.S.
B4V 3X1
Telephone: 543-0286
Fax: 527-5590
Physical Address: 280 Logan Road, Bridgewater, NS, B4V 3J8
Region: Halifax County (West), Lunenburg & Queens Counties

Allen Holmes
P.O. Box 545
Barrington Passage
Shelburne Co., N.S.
B0W 1G0
Telephone: 637-3796
Fax: 637-2420
Physical Address: Causeway Plaza, Barrington Passage
Region: Shelburne County

Arnold Muise
P.O. Box 15
Middle West Pubnico
Yarmouth Co., N.S. B0W 2M0
Telephone: 762-2846
Fax: 762-2386
Physical Address: Abbott's Harbour Road, Westside Enterprise, Civic#45, Unit 3, Middle West Pubnico
Region: Yarmouth County and portion of Digby County, South of the Sissiboo River

Bill Whitman
P.O. Box 280
Cornwallis Park
Cornwallis, N.S. B0S 1H0
Telephone: 638-2390
Fax: 638-2391
Physical Address: CFB Cornwallis Building #47
Region: Digby County, North of the Sissiboo River including Digby Neck and the counties of Annapolis, Kings and Hants

ADDITIONAL INFORMATION AVAILABLE

Please visit the Nova Scotia Department
of Agriculture and Fisheries Web Site
www.gov.ns.ca/nsaf

The following information is available via the Internet or by contacting the Nova Scotia Department of Agriculture and Fisheries (List of Contacts, Page 12)

The Fisheries and Coastal Resources Act, S.N.S. 1996 c. 25, as amended
http://www.gov.ns.ca/legi/legc/statutes/fishand

Fish Buyers' Licensing and Enforcement Regulations
http://www.gov.ns.ca/just/regulations/regs/fcrbuyer

Nova Scotia Fish Inspection Regulations
http://www.gov.ns.ca/just/regulations/regs/fcr24789

Nova Scotia Seafood Directory (Alphabetical listing of Nova Scotia fish processors)
http://www.gov.ns.ca/nsaf/marketing/seafood

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